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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER MONTANO,

Defendant.

2:20-CR-199-JAD-NJK

Final Order of Forfeiture

14 The United States District Court for the District of Nevada entered an Amended
15 Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18
16 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p) based upon the plea
17 of guilty by Javier Montano to the criminal offense, forfeiting the property and imposing an
18 in personam criminal forfeiture money judgment set forth in the Plea Agreement and the
19 Forfeiture Allegation of the Criminal Information and shown by the United States to have
20 the requisite nexus to the offense to which Javier Montano pled guilty. Criminal
21 Information, ECF No. 4; Plea Agreement, ECF No. 6; Arraignment & Plea, ECF No. 8;
22 Amended Preliminary Order of Forfeiture, ECF No. 20.

23 This Court finds that on the government's motion, the Court may at any time enter
24 an order of forfeiture or amend an existing order of forfeiture to include subsequently
25 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
26 32.2(b)(2)(C).

27 The in personam criminal forfeiture money judgment amount of \$1,194,672.68
28 complies with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017).

1 This Court finds the United States published the notice of forfeiture in accordance
2 with the law via the official government internet forfeiture site, www.forfeiture.gov,
3 consecutively from October 3, 2020, through November 1, 2020, and from May 4, 2021,
4 through June 2, 2021, notifying all potential third parties of their right to petition the Court.
5 Notice of Filing Proof of Publication, ECF Nos. 15-1, p. 5 and 30-1, p. 5.

6 This Court finds the United States notified known third parties by personal service or
7 by regular mail and certified mail return receipt requested of their right to petition the Court.
8 Notice of Service, ECF No. 27; Notice of Filing Service of Process – Mailing, ECF No. 31.

9 On May 21, 2021, the United States Marshals Service personally served Adelina
10 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice.
11 Notice of Service, ECF No. 27.

12 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
13 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
14 through regular mail and certified mail return receipt requested at Fresno, California. The
15 mail was returned as attempted not known. Notice of Filing Service of Process – Mailing
16 Exhibits, ECF No. 31-1, p. 3, 6-7, 9-12, 14-16.

17 On May 12, 2021, the United States Attorney's Office attempted to serve Natalie
18 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
19 through certified return receipt mail at Reedley, California. The certified mail was returned
20 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
21 9-12, 17-19.

22 On May 12, 2021, the United States Attorney's Office served Natalie Montano with
23 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
24 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
25 1, p. 3, 6-7, 9-12, 17.

26 On May 12, 2021, the United States Attorney's Office attempted to serve Adelina
27 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
28 through certified return receipt mail at Reedley, California. The certified mail was returned

1 as refused. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-1, p. 3, 6-7,
2 9-12, 20-22.

3 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
4 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
5 at Reedley, California. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
6 1, p. 3, 6-7, 9-12, 20.

7 On May 12, 2021, the United States Attorney’s Office attempted to serve Adelina
8 Montano with copies of the Amended Preliminary Order of Forfeiture and the Notice
9 through certified return receipt mail at North Las Vegas, Nevada. The certified mail was
10 returned as unclaimed. Notice of Filing Service of Process – Mailing Exhibits, ECF No. 31-
11 1, p. 3, 6-7, 9-12, 23-26.

12 On May 12, 2021, the United States Attorney’s Office served Adelina Montano with
13 copies of the Amended Preliminary Order of Forfeiture and the Notice through regular mail
14 at North Las Vegas, Nevada. Notice of Filing Service of Process – Mailing Exhibits, ECF
15 No. 31-1, p. 3, 6-7, 9-12, 23.

16 This Court finds no petition was filed herein by or on behalf of any person or entity
17 and the time for filing such petitions and claims has expired.

18 This Court finds no petitions are pending regarding the property named herein and
19 the time has expired for presenting such petitions.

20 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
21 all possessory rights, ownership rights, and all rights, titles, and interests in the property
22 hereinafter described are condemned, forfeited, and vested in the United States: 2013 BMW
23 550, VIN WBAFR9C59DDX8054I (property); and

24 that the United States recover from Javier Montano the in personam criminal
25 forfeiture money judgment of \$1,194,672.68, and that the property will be applied toward
26 the payment of the money judgment; and

27 the forfeiture of the money judgment and the property is imposed pursuant to Fed.
28 R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. §

1 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that
2 the money judgment shall be collected; and that the property and the collected amount shall
3 be disposed of according to law.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
5 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
6 deposit, as well as any income derived as a result of the government's management of any
7 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
8 disposed of according to law.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
10 copies of this Order to all counsel of record and three certified copies to the United States
11 Attorney's Office, Attention Asset Forfeiture Unit.

12 Dated: August 6, 2021.

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16 JENNIFER A. DORSEY
17 UNITED STATES DISTRICT JUDGE
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